



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail To: executive@allstarproduct.com

Docket No. F-02-2020-5056

JMD All Star Import Export Inc.
120 Ethel Road West
Piscataway, NJ 08854

Re: NOTICE OF REFUSAL OF ADMISSION

Import of Disinfecting Wipes, Entry No. H67-15863808

To Whom It May Concern:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Name: Disinfecting Wipes
Importer: JMD All Star Import Export Inc.
Manufacturer: Shanghai Sanjun General Merchandise
Bill Number: CMDUCNOE196738
Entry Number: H67-15863808
Arrival Date: 06/23/20
Entry File Date: 06/25/20
Port of Entry: 4601 – Newark/New York
Amount: 19,200 individual units

Your company was previously notified via a Notice of Warning & Notice of Detention and Hearing ("NOWD"), dated July 7, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that these wipes are pesticides because the label describes the product as "disinfecting wipes" and "germicidal hygiene wipes" that "effectively eliminate living virus and bacteria" and that the wipes can be applied to "toys, mobile phones, furniture, etc." Your company was also told this product is not registered under FIFRA § 3(a), 7 U.S.C. § 136a(a). Unregistered pesticides are prohibited from sale and distribution in the U.S.; therefore, the products are in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on July 14, 2020, you told EPA this product is intended as a hand sanitizer and proposed a corrective action to remove the pesticidal claims from the label, and on July 23, 2020 you sent EPA a proposed revised label. On July 29, 2020, you sent photographs of a relabeled package of wipes to EPA in which strips of paper had been taped to the original packaging. This is not acceptable for correcting the product, as the new label is not securely attached to the package and the original pesticide claims are still easily visible.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Ajay Sarin, JMD All Star Import Export (ajaysarin@msn.com)
Majid Khan, Agra Services (majid@agraservices.com)
Terrance Brennan, U.S. Customs and Border Protection (terrance.m.brennan@cbp.dhs.gov)